UNITED STATES DISTRICT COURT	,
DISTRICT OF MASSACHUSETTS	

FOLER	ILE 张'S	U CE	F [4]	Œ.
ر (۱۹۹۰) ۱۳۰۱ - ۱۹۳۲ (۱۹۹۲)	H	/a,	)():	25
	~016	<u></u> ም ረ	201	ın ī

UNITED STATES OF AMERICA )	U.S. DISTRICT COURT
v. )	CRIMINAL NO. 04-30020-MAP
MARIO ESPINO, ) Defendant )	

## MOTION FOR DISCOVERY OF DRUG EVIDENCE AND TO ALLOW DEFENDANT'S EXPER' TO WEIGH AND ANALYZE THE DRUGS

The defendant moves that this Court order the Government to provide him with the following information regarding the drug analysis and testing:

1. The method used to weigh and analyze the drugs which were allegedly sold by the defendant to an undercover officer. (Ex. 2, Ex. 3, Ex. 5)(see attached)

The defendant further moves that this Court order the Government to allow his expert, Dr. Harvey Cohen, to weigh and analyze the drugs and to make the drugs available to him for this purpose. Dr. Cohen has been retained in other federal cases to perform these tests. He states the following reasons:

- <sup>1</sup>. The Government alleges that the defendant made the following distributions to an undercover officer:
  - a) March 7, 2003--- weight- 19.6 grams, Exhibit 2, Lab. # 156503
  - b) March 26, 2003 -- weight 29.9 grams, Exhibit 3, Lab. # 156914
  - c) May 13, 2003 ---- weight 51.2 grams, Exhibit 5, Lab. # 157755

The total weight is 100.7 grams of heroin.

2. The defendant would like to have his own expert weigh these two substances and test a portion of them. It is assumed that the drugs are still being kept in the laboratory located in New York. The defendant requests that the drugs be brought to a location either in Springfield or Boston so that Dr. Cohen could have access to them.

Case 3:04-cr-30020-MAP

3. Defense counsel understands that DEA requires a court order before it can arrange to make the drugs available to Dr. Cohen for weighing and testing.

WHEREFORE, the defendant respectfully requests that the Court issue a proposed order, allowing the defendant's own expert the opportunity to weigh and test the three substances in question.

Mario Espino

By his attorney

Elaine Pourinski

13 Old South Street

Northampton, MA. 01060

413-587-9807

BBO # 550986

U.S. Department of J Drug Enforcement Ad	usticease 3:04-cr	-30020-MAP Da	scument 26		9/14/2004	Page 3 of	
I. HOW OBTAINED			l a	a. FILE NO.		D. PURCHASE PROGRAM	
	TO Licus	se Seizure	Free Sample	.a. 1 122 110.	ZD.	CODE	3. G-DEP II
Internal Body Ca		ifv)	on-Criminal)				
12	ED (City, State/Country						
Springfield,		) 4b. DATE OBTAIN MArch 3, 2		. FILE TITLE	_		
6a. REFERRING AG		6b. REFERRAL	003				
		Case No. OR	Seizura No.	. DATE PREF	PARED	8. GROUP NO.	
: <del>b</del> ;		No.		03-07-20		1600	
9. Exhibit 10. FD	IN 11.	12.			APPROX. GI	ROSS QUANTITY	15.
No. (10 cha			OR LABELS (Des		13. Seized	14. Submitted	
2	heroin		wder wrappe		45.98 gg	45.98 gg	\$1,800
			astic furth				
·.			in brown ta				
		"3-7-03"	d "RJO" and	dated		- <del> </del>	
		- 3-7-03	·		<del> </del>		
						<del></del>	
					<del> </del>	<del> </del>	
16. WAS ORIGINAL (	CONTAINER SUBMITTE	D SEPARATE FROM DRU	JG? X NO (	ncluded above	YES (if	Yes enter exhibit :	o and describe
REMARKS:					original	Yes, enter exhibit r container fully)	00001110
Exhibit 2 was	purchased by	MSP Tpr. Hernot I	Rivera from	an unide	entified 🛲		
on 03	-0/-2003 in Me	dina's Market lo	t, Main St.	. Springf	am blaif	Tpr. Rive	ra
cransported t	ing exurbit to	the SRO, at which	a time the	exhibit w	Jas relinou	sichad to C	01
THE EXITEDIT M	as seated into	evidence by SA (	Olsen, as w	itnessed	ትህ ሞርላ ጥሎ <sub>፡</sub>		
the and rempo	cary drug vaul	t until 03-10-200	03. at whic	h time th	ne exhibit	was removed	d from the
vault by SA O	rsen and maile	d to the NERL via	a RMRRR.		•		
17. SUBMITTED BY S	PECIAL AGENT (Signa	Mura)	140 4000				
SA Robert Ols		2 G		VED BY (Sign		7	
· · · · · · · · · · · · · · · · · · ·		LABORATORY EV		rd Seneca		76me	A CONTRACTOR OF THE PARTY OF TH
19. NO. PACKAGES	20. RECEIVED FRO	OM (Signature & Date)	IDENCE RECI		or Type NAME a	TIPI I	-
		, 5		21. 1 (10)	or Type MAINE 8	ind III LE	
22. SEAL	23. RECEIVED BY (	Signature & Date)		24. Print	or Type NAME a	nd TiTl E	
Broken Unbroker	1				o. The MUNICE	ing three	
03/26/03		P⊠ LABORA	ATORY REPO	RT			<del></del>
25. ANALYSIS SUMM	ARY AND REMARKS						
and the same of th							
Exhibit #2	contains herois	a hydrochloride.					
Connun III	4.6 0						
Gross Wt. = Met Wt. =							
TON WAS T	17.0 %						
						ion on a	A 6736
26. 27. Lab.	28. ACTIVI	DRUG INGREDIENT		CONCENTRA		100	33.
No. No.	(Establis	thed or Common Name)	29. Streng		ure 31. Unit	- AMT, OF PURE DRUG	RESERVE
2 15650	heroin h	ydrochloride	78	Z.			<del></del>
- <u> </u>							19.1
l l		7					<del> </del>
					1.		1
					,	<del> </del>	<del> </del>
34 ANALYST (C)						÷	
34. ANALYST (Signate	TE)	2111	35. TITLE			36. DATE COM	PLETED
	Keni Mary 1		S/Forens	lo Chamic	£	36. DATE COM	PLETED
CHATECIAL N 37. APPROVED BY (S	gnature & gate	11	1	in Chamis	-	36. DATE COM - 03/25/03 39. LAB. LOCA	
and forther	gnature & gate		S/Foreps:	lo Chamic		03/25/03	

S. Dep	Case artment of Justic Orcement Adminis	e 3: <u>04-dr</u> -30020-MA	P Documer	nt 26 F	iled 09/14	1/2004	Page 4 of 5	114
			REPOR	RUG F	ROPERTY	<b>COLLECT</b>	ED, PURCHAS	FD OD OFISER
Lab.	OBTAINED (Cheo Seizure M nal Body Carry	© Purchase ☐	Seizure Free ance Sample (Non-C	Sample 2	a. FILE NO.		2b. PROGRAM CODE	3. G-EEP ID
Spring	RE OBTAINED ( gfield, Mas RRING AGENCY	(Name) 6b.			. FILE TITLE		8. GROUP NO	
9	10.	No	12,		03-27-20	003	1600	
Exhibit No.	(10 characte	ł	MARKS OR I	ABELS (Desc		13. Seized		Pu chase
		1121/01/1	Brown tape	in a bal	<u> </u>	58.64 (A	GW) 58.64 (AG	W) 2550.00
	<del> </del>							<del></del>
			<del></del>	······································				
					<del></del>			
· · · · · · · · · · · · · · · · · · ·								
			<del> </del>	······································				
proces: 3/31/20 TFA Tho	sed the exh 302 Springs omas submit	.00. The purchase ress Streets in Spanibit and secured field R.O. Drug Cutted the exhibit to ALAGENT (Signature)	it in the Sp. stodian, S/A o NERL for an	ringfield Barron, nalysis a	R.O. dr	Rivera Op box f ver the eeping.	and TFA Thom	as
TIA KE	vin Thomas	<i></i>		G/S Ed S	Senecal		Id Sem	
19. NO. P. 22. SEAL		FROM (Signatu		NCE RECE		RT or Type NAME	and TITLE	
Broken 04/	21/03	RECEIVED BY (Signature 8	Date)  Market LABORATO	-33 PV BEROI	$L_{\wedge}$	Or Type NAME	and TITLE	13
Exh Gro	ss Wt. = 5	ND REMARKS ntains heroin hydr				FICATE	ON ON BAC	13.0° 5.
26	27.	28.					- <del> </del>	· •. •
Exhibit No.	Lab. No.	(Established or Com	mon Name)		ONCENTRA 30. Measu		32. AMT. OF	33.
3	156914	heroin hydrochlo	ride	53	7 %		- ONE DIVOG	RESEF:VE

26. 27. 28. ACTIVE DRUG INGREDIENT (Established or Common Name)		C	ONCE	NTRATIO	ON	32.	33.
No. No. (Established or Common Name) 3 156914 heroin hydrochloride	<del></del>	29. Strength 53	30.	Measure %	31. Unit	32. AMT. OF PURE DRUG	RESELVE
						15.8 g	29.4 g
			<del> </del>				
ANALYCT (C: A					<del></del>		
Christine Hi Effesall Chica.  APPROVED BY (Signature) & Date)	5	TTLE S/Forensio	Ch.	≥mist		36. DATE COM 04/15/03	
Thomas M. Bracket 1	38. T	nce aboratory	7 Di	cector		39. LAB. LOCA New York	TION

(Sept. 1995)

.S. Depar	rtment of Justice cement Administrati	se 3:04/¢r/3		before				, _	-1.100
	BTAINED (Check)			REPORT	OF DRUG	PROPERTY	CC_LECT	TED, PURCHAS	SED OR SEIZ
		X Purchase y Flashed		izureFr	ee Sample	2a. FILE NO.		2b. PROGRAM CODE	3. G-DEP II
_	al Body Carry	Other (Specify)	Compilan	ice Sample (Non-	-Criminal)				
WHER	E OBTAINED (City			NATE OF THE					
oringi	field, MA			DATE OBTAINED	)	5. FILE TITLE			
REFER	RRING AGENCY (Na	arne)		REFERRAL					
				Case No. OR S	Seizure No.	7. DATE PREF	MARED	To coore	
	10.	11.	No.	r <del></del>		05-13-20		8. GROUP NO	).
Exhibit No.	FDIN (10 characters)	ALLEGED DR		12.			~ <del>~~~</del>	GROSS QUANTIT	Y 15.
5	, , , , , , , , , , , , , , , , , , , ,	Heroin	068	MARKS OF	R LABELS (Des	cribe fully)	13. Seized	14. Submitt	Purchas
				White, roo	ck like s	ubstance	82.14 g	g	\$4,250.
				wrapped in further wr	crear p	lastic,			1,200.
				translucer	it placti	green			
					.c prascr	wrap.			
		<u> </u>					<u>-</u>		
								<del></del>	
WAS OF	RIGINAL CONTAINE	R SUBMITTED S	EDADAT	E EDOM DRIVE					
	-2003, MSP T					ncluded above)	YES	(if Yes, enter exhibital container fully)	no and docomb
		/	<u> </u>	ialysis and	- outchee,				-110
JBMITT Kevi D. PAC EAL ken X	ED BY SPECIAL AND IN Thomas CKAGES 20. REC	CEIVED BY (Signalury)  CEIVED FROM (Signalury)  CEIVED FROM (Signalury)	ABORA gnature 8	5/15/2007 TORY EVIDE 3 Date) 1/35	18. APPRO	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print of 24. Print of 24.	ture & Title)  T T Type NAME Type NAME	and TITLE	<u></u>
UBMITT Kevi  D. PAC  EAL  *en X /10/0 VALYSIS  chibi	TED BY SPECIAL AND IN Thomas Deckages 20. REGILL Unbroken 23. REGILL Unbroken	CEIVED FROM (SI CEIVED BY (Signal CALLICATION)	ABORA gnature 8 ture & Da	3/IS/SW7 TORY EVIDE B Date) 135 All OCL LABORATO	18. APPRO GS Edwa NCE RECE	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print	ture & Title) 1 T Type NAME Type NAME	and TITLE  AND TITLE  AND THE LIBOURGE	SFC .
UBMITT Kevi O. PAC  EAL  *en X /10/0 NALYSIS  xhibi ross V	TED BY SPECIAL AND IN Thomas 20. REGION 23. REGION 23. REGION 23. REGION 23. REGION 24. REGION 25.	CEIVED FROM (Signature)  CEIVED FROM (Signature)  CEIVED BY (Signature)  CACLLIP  REMARKS  Sheroin (s	ABORA  Ignature 8  Solution 8  pm  alt fo	TORY EVIDE Date)  LABORATO  Torm undeter	18. APPRO GS Edwa NCE RECE DRY REPOI	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print	ture & Title)  T T T Type NAME Type NAME LOLYN  The (salt	and TITLE  and TITLE  ARCHE  FORM undete	FC
UBMITT Kevi O. PAC  EAL  **en X /10/0 VALYSIS  **khibi **coss Walt  **en X /10/0 **	TED BY SPECIAL AND IN Thomas 20. REF  CKAGES 20. REF  23. REF  23. REF  24. S SUMMARY AND F  t #5 contain  Wt. = 82.4 g  51.2 g	CEIVED FROM (SI CEIVED BY (Signal CALLICATION)	ABORA gnature & Da ture & Da pm	TORY EVIDE  Date)  A Date)  A Date  A	18. APPRO GS Edwa NCE RECE DRY REPOI	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print	Trype NAME Type NAME Type NAME Type NAME Type NAME Type NAME ON ON	and TITLE  and TITLE  Likocht  SZ 120  form undete	FC
UBMITT Kevi O. PAC  EAL  **en X /10/0 NALYSIS  Khibi FOSS II  Et Wt	TED BY SPECIAL AND IN Thomas 2 CKAGES 20. REF  23. REF  23. REF  24. CKAGES 20. REF  25. REF  26. REF  27. Lab. No. 157755 1: 1	CEIVED FROM (Signal CLUCK)  CEIVED BY (Signal CLUCK)  REMARKS  Sheroin (s  ACTIVE DRUM (Established or	ABORA  Ignature & Da  ture & Da  pm  alt fo	TORY EVIDE B Date)  A 135  A 167  COLO  LABORATO  OTM UNDETE	18. APPRODE SECTION OF THE PRODUCTION OF THE PRO	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print of 25. Print	Trype NAME Type NAME Type NAME Type NAME Type NAME Type NAME ON ON	and TITLE  and TITLE  ARCHE  FORM undete	rmined).
UBMITT Kevi O. PAC  EAL  **en X /10/0 NALYSIS  Khibi FOSS II  Et Wt	TED BY SPECIAL AND IN Thomas 2 CKAGES 20. REF  23. REF  23. REF  24. CKAGES 20. REF  25. REF  26. REF  27. Lab. No. 157755 1: 1	CEIVED BY (Signature) CEIVED FROM (Si CEIVED BY (Signature) CEIVED	ABORA  Ignature & Da  ture & Da  pm  alt fo	TORY EVIDE B Date)  A 135  A 167  COLO  LABORATO  OTM UNDETE	18. APPRO GS Edwa NCE RECE DRY REPOI	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print	Trype NAME Type NAME Type NAME Type NAME Type NAME Type NAME ON ON	and TITLE  and TITLE  Likocht  SZ 120  form undete	rmined).
UBMITT Kevi O. PAC  EAL  **en X /10/0 VALYSIS  **khibi **coss Walt  **en X /10/0 **	TED BY SPECIAL AND IN Thomas 2 CKAGES 20. REF  23. REF  23. REF  24. CKAGES 20. REF  25. REF  26. REF  27. Lab. No. 157755 1: 1	CEIVED FROM (Signal CLUCK)  CEIVED BY (Signal CLUCK)  REMARKS  Sheroin (s  ACTIVE DRUM (Established or	ABORA  Ignature & Da  ture & Da  pm  alt fo	TORY EVIDE B Date)  A 135  A 167  COLO  LABORATO  STOLENT  Name)	18. APPRODE SECTION OF THE PRODUCTION OF THE PRO	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print of 25. Print	Trype NAME Type NAME Type NAME Type NAME Type NAME Type NAME ON ON	and TITLE  and TITLE  LICOHE  STORY  form undete	rmined).
UBMITT Kevi O. PAC  EAL  **en X /10/0 VALYSIS  **khibi **coss Walt  **en X /10/0 **	TED BY SPECIAL AND IN Thomas 2 CKAGES 20. REF  23. REF  23. REF  24. CKAGES 20. REF  25. REF  26. REF  27. Lab. No. 157755 1: 1	CEIVED FROM (Signal CLUCK)  CEIVED BY (Signal CLUCK)  REMARKS  Sheroin (s  ACTIVE DRUM (Established or	ABORA  Ignature & Da  ture & Da  pm  alt fo	TORY EVIDE B Date)  A 135  A 167  COLO  LABORATO  STOLENT  Name)	18. APPRODE SECTION OF THE PRODUCTION OF THE PRO	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print of 25. Print	Trype NAME Type NAME Type NAME Type NAME Type NAME Type NAME ON ON	and TITLE  and TITLE  LICOHE  STORY  form undete	rmined).
UBMITT Kevi O. PAC  EAL  *en X /10/0  VALYSIS  xhibi ross V	TED BY SPECIAL AND IN Thomas 2 CKAGES 20. REF  23. REF  23. REF  24. CKAGES 20. REF  25. REF  26. REF  27. Lab. No. 157755 1: 1	CEIVED FROM (Signal CLUCK)  CEIVED BY (Signal CLUCK)  REMARKS  Sheroin (s  ACTIVE DRUM (Established or	ABORA  Ignature & Da  ture & Da  pm  alt fo	TORY EVIDE B Date)  A 135  A 167  COLO  LABORATO  STOLENT  Name)	18. APPRODE SECTION OF THE PRODUCTION OF THE PRO	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print of 25. Print	Trype NAME Type NAME Type NAME Type NAME Type NAME Type NAME ON ON	and TITLE  and TITLE  LICOHE  STORY  form undete	rmined).
UBMITT Kevi O. PAC  EAL  yen X  /10/0  NALYSIS  xhibi ross V  ibit 27	TED BY SPECIAL AND IN Thomas 2 CKAGES 20. REF  23. REF  23. REF  24. CKAGES 20. REF  25. REF  26. REF  27. Lab. No. 157755 1: 1	ACTIVE DRU (Established or	ABORA gnature & Da gnature & Da ture & Da pm  alt for  GINGRE Common	TORY EVIDER Date)  LABORATO  TORY EVIDER  LABORATO  TORY EVIDER  TORY	18. APPROOF OF SECTION	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print of 25. Print	Trype NAME Type NAME Type NAME Type NAME Type NAME Type NAME ON ON	and TITLE  and TITLE  LICOHE  STORY  form undete	rmined).
UBMITT Kevi  O. PAC  EAL  *en X  /10/0  NALYSIS  ALYSIC  ritt	TED BY SPECIAL AND IN Thomas 20. REGION Thomas 20. REGION 23. REGION 23. REGION 23. REGION 24. E. S.	ACTIVE DRUGEStablished or Leroin (calcondended)	ABORA gnature & Da gnature & Da ture & Da pm  alt for  GINGRE Common	TORY EVIDE  Date)  A 135  A 13	18. APPROOF GS Edwa NCE RECE  5/5/60  PRY REPOI	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print of 24. Print of 25. Print	ture & Title)  T T T Type NAME Type NAME LULYA  The (salt	and TITLE  and TITLE  Like CHC  S2 C120  form undete  BACK  32. AMT. OF PURE DRUG  27.6 g	rmined).  33. RESERVE 50.8 g
UBMITT  Kevi  O. PAC  EAL  **en X  /10/0  NALYSIS  ALYSI  PROVED	TED BY SPECIAL AND IN Thomas 20. REF  CKAGES 20. REF  23. REF  23. REF  13  S SUMMARY AND F  t #5 contain  Wt. = 82.4 g  51.2 g  7. Lab. No. 157755 h  Signature)  D BY (Signature & Day  BY (Signature & Day  BY (Signature & Day  D	ACTIVE DRUGEStablished or Leroin (calcondended)	ABORA gnature & Da gnature & Da ture & Da pm  alt for  GINGRE Common	TORY EVIDE  Date)  A	18. APPROOF GS Edwa NCE RECE  5/5/60  PRY REPOI  The common state of the common state	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print of 24. Print of 25. Print	ture & Title)  T T T Type NAME Type NAME LULYA  The (salt	and TITLE  and TITLE  Like CHC  RECORD  form undete  32. AMT. OF PURE DRUG  27.6 g  36. DATE COMP	rmined).  33. RESERVE 50.8 g
UBMITT  Kevi  O. PAC  FAL  **en X  /10/0  NALYSIS  COSS I  LET Wt  ALYSIA  PROVED	TED BY SPECIAL AND IN Thomas 20. REGION Thomas 20. REGION 23. REGION 23. REGION 23. REGION 24. E. S.	ACTIVE DRUGEStablished or Leroin (calcondended)	ABORA gnature & Da gnature & Da ture & Da pm  alt for  GINGRE Common	TORY EVIDE  Date)  A 135  A 135  A 135  A 135  A 135  CCLo  LABORATO  SEDIENT  Name)  d as  35. 7  Fr.  38. 7	18. APPRODES Edward SNCE RECE  5/19/02  PRY REPORT  TILE  TILE  TRESIC CITTLE	VED BY (Signa rd Seneca IPT REPOR 21. Print of 24. Print of 24. Print of 25. Print	ture & Title)  T T T Type NAME Type NAME LULYA  The (salt	and TITLE  and TITLE  Like CHC  S2 C120  form undete  BACK  32. AMT. OF PURE DRUG  27.6 g	rmined).  33. RESERVE 50.8 g